

**Clint Enns**  
***Impostor Syndrome***







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Pictures and Stories

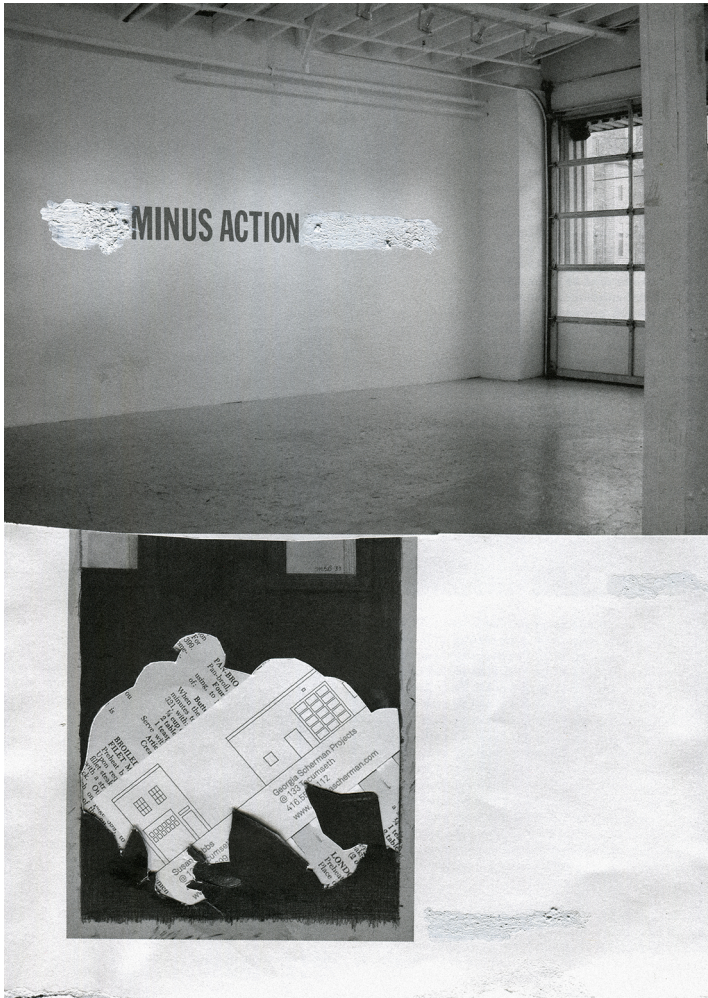
## **Introduction**

In 2004, the internet became “Web 2.0.” This year also marked the birth of Flickr, one of the only online photo archives from that era that is still readily searchable today. “One Year Project” is an artwork representing the entire calendar year of 2004 through timestamped images. The project consists of 366 images with their original, in-camera timestamps indicating the day on which they were taken. Given that these photographs were culled from Flickr, this project provides a vernacular history through images produced by amateur photographers that were unknowingly participating in the evolution of the Internet and the birth of the social photo.

This short artist book is compiled from a series of fragmented ideas and thoughts that were developed at a residency at VU Photo in Québec and realized in “One Year Project” for ÉCRAN TOTAL/TOTAL SCREEN, an art exhibition at Centre de design de l'UQAM in Montréal. The piece was selected by a jury consisting of academics and artists, and commissioned for the exhibition. The contents of this book are personal, although not necessarily autobiographical in nature. This text is an attempt to work through some of the concerns raised by the exhibition, in particular, those related to copyright, digital privacy and the social photo.



*Weegee Revisited*



*Art Minus Action*

## **Amateur Hour at the Art Gallery**

Vernacular photographs are those ubiquitous snapshots of everyday life. As such, they were not necessarily intended to be artistic, and are often not technically proficient, yet these are the same reasons this form of photography continues to capture the imagination. Although there might only be one gem in a collection of amateur photography, that one photograph is often more compelling than the moments captured by those who consider themselves professional or artistic photographers. These vernacular gems reposition the amateur as an artist, and reveal the inherent democratized nature of photography, a gesture found footage maverick Mike Hoolboom has referred to as “aesthetic Marxism.”

The photos in “One Year Project” wear their amateur status proudly on their sleeves. The right-hand corner of almost every photograph in this collection contains the artist signature of the amateur, namely, the timestamp generated by the camera. Despite being a distinctive aesthetic element of these photographs, I think it is safe to assume, in most cases, that the timestamp was accidentally generated, the result of forgetting (or not knowing how) to disable it. In recent years, the timestamp has become an aesthetic choice being embraced by iPhoneographers who use apps that replicate disposable cameras. This is somewhat ironic given that the images produced by disposable cameras never

actually had a timestamp (this function was only available on some higher end film cameras).

In 2004, the primary social function of photography began to transform. This year also ushered in what sociologist Nathan Jurgenson describes as the *social photo*, those everyday photos that are “taken to be shared.” At one time, photos were intended to preserve the past and now they exist to display the present. While academics were busy exploring the consequences of the archival turn, the general public was distracting themselves by scrolling through their Instagram feed.

In order to better understand this transformation, it is worth examining what art historian Geoffrey Batchen refers to as “art history's worst nightmare – boring photos.” The digitally born vernacular photographs in “One Year Project,” were created in the space between the archive and the stream. Unfortunately, once these photos enter the art gallery, they transform from art history's “worst nightmare” into any institution's worst fear: copyright infringement.

“Mr. Mutt’s fountain is not immoral, that is absurd, no more than a bathtub is immoral. It is a fixture that you see every day in plumbers’ shop windows. Whether Mr. Mutt with his own hands made the fountain has no importance. He CHOSE it. He took an ordinary article of life, placed it so that its useful significance disappeared under the new title and point of view – created a new thought for that object.” - Anonymous, “The Richard Mutt Case” (1917)

“Immature poets imitate; mature poets steal; bad poets deface what they take, and good poets make it into something better, or at least something different.” - T. S. Eliot, *The Sacred Wood* (1920)

“Plagiarism is necessary. Progress implies it. It holds tight an author’s phrase, uses his expressions, eliminates a false idea, and replaces it with just the right idea.” - Comte de Lautréamont (Isidore Ducasse), *Poésies II* (1870)

“Ideas improve. The meaning of words plays a role in that improvement. Plagiarism is necessary. Progress depends on it. It sticks close to an author’s phrasing, exploits his expressions, deletes a false idea, replaces it with the right one.” - Guy Debord, *The Society of the Spectacle* (1967)

“First, it’s okay to copy! Believe in the process of copying as much as you can; with all your heart is a good place to start – get into it as straight and honestly as possible. Copying is as good (I think better from this vector-view) as any other way of getting, ‘there.’” - Phil Morton, “NOTES ON THE AESTHETICS OF ‘copying-an-Image Processor’” (1973)

“Copyright infringement is your best entertainment value.” - Negativland (a t-shirt for their 1993 “Music For Lawyers” tour)

Stewart’s Law of Retroaction:

It is easier to get forgiveness than permission.

## The Found Image

I am not saying, “I took these photos.” I am saying, “I *took* these photos.” That is, I took them off the Internet. I didn't pull the trigger or hit the button, unless you mean the download button. A century ago, some argued that photography wasn't an art form since it was simply replicating nature using a mechanical device. Art at the click of a button. What is seemingly overlooked using this line of inquiry is that photography also transforms the world around us. That is, it transforms into an image. Through the use of a camera, the three dimensional world is reduced to a two dimensional, framed representation of the world. Taking this a step further, it is possible to argue that photography itself is a “found” art form. The photographer finds the moment in time to capture the composition.

By placing found images next to each other, as a collection, they are further transformed. Placed in a new context, they take on new meaning and are given a new life. In the case of “One Year Project,” they form a calendar year – a visualization of the year through the eyes of those who actually experienced these events. It is also a sample of the digital photography being produced by amateur photographers in the years before smartphones.

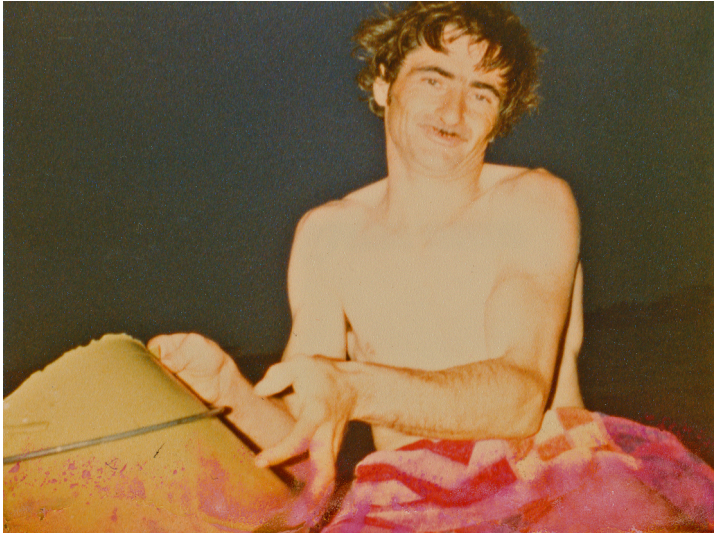


People often talk about “image dumps” when they upload “too many” photos to their social media accounts. Of course, a landfill is also called a dump. Isn't the Internet the largest cultural trash bin that we have? Perhaps, an image dump is in reference to defecation, that is, when one takes a dump. Ironically, I often feel as if I am collecting cultural excrement in order to discover the secrets hidden within.

The following images are scans of physical photos that were found decaying in a friend's basement. The photo album that contained the photos was left abandoned and forgotten by the original owners.

















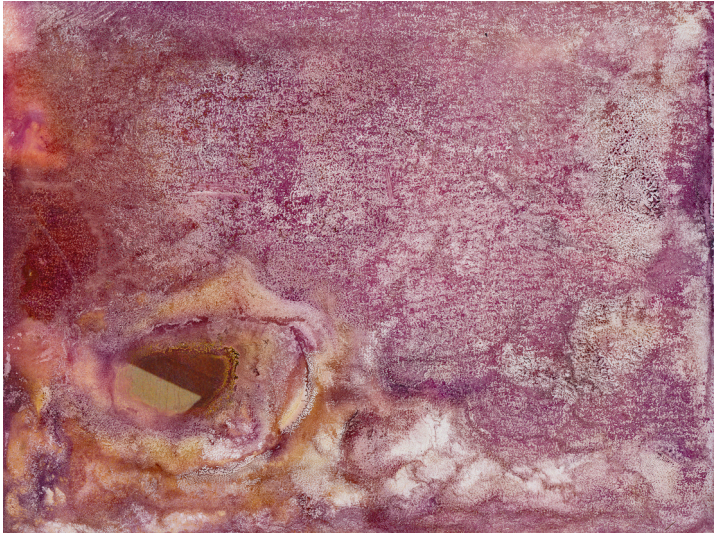












## Excerpts from Jean Baudrillard's "Photography, Or The Writing Of Light," translated by Francois Debrix

The miracle of photography, of its so-called objective image, is that it reveals a radically non-objective world. It is a paradox that the lack of objectivity of the world is disclosed by the photographic lens [objectif]. Analysis and reproduction [ressemblance] are of no help in solving this problem. The technique of photography takes us beyond the replica into the domain of the *trompe l'oeil*. Through its unrealistic play of visual techniques, its slicing of reality, its immobility, its silence, and its phenomenological reduction of movements, photography affirms itself as both the purest and the most artificial exposition of the image.

At the same time, photography transforms the very notion of technique. Technique becomes an opportunity for a double play: it amplifies the concept of illusion and the visual forms. A complicity between the technical device and the world is established. The power of objects and of "objective" techniques converge. The photographic act consists of entering this space of intimate complicity, not to master it, but to play along with it and to demonstrate that nothing has been decided yet [rendre evidente l'idee que les jeux ne sont pas faits]. "What cannot be said must be kept silent." But what cannot be said can also be kept silent through a display of images.

In photography, we see nothing. Only the lens "sees" things. But the lens is hidden. It is not the Other which catches the photographer's eye, but rather what's left of the Other when the photographer is absent [quand lui n'est pas là]. We are never in the real presence of the object. Between reality and its image, there is an impossible exchange. At best, one finds a figurative correlation between reality and the image. "Pure" reality — if there can be such a thing — is a question without an answer. Photography also questions "pure reality." It asks questions to the Other. But it does not expect an answer. Thus, in his short-story "The Adventure of a Photographer," Italo Calvino writes:

To catch Bice in the street when she didn't know he was watching her, to keep her in the range of hidden lenses, to photograph her not only without letting himself be seen but without seeing her, to surprise her as if she was in the absence of his gaze, of any gaze...It was an invisible Bice that he wanted to possess, a Bice absolutely alone, a Bice whose presence presupposed the absence of him and everyone else.

Later, Calvino's photographer only takes pictures of the studio walls by which she once stood. But Bice has completely disappeared. And the photographer too has disappeared. We always speak in terms of the disappearance of the object in photography. It once was; it no longer is.

We deplore the disappearance of the real under the weight of too many images. But let's not forget that the image disappears too because of reality. In fact, the real is far less often sacrificed than the image. The image is robbed of its originality and given away to shameful acts of complicity. Instead of lamenting the relinquishing of the real to superficial images, one would do well to challenge the surrender of the image to the real. The power of the image can only be restored by liberating the image from reality. By giving back to the image its specificity (its "stupidity" according to Rosset), the real itself can rediscover its true image.

What is at stake [at play, en jeu] is the place of reality, the question of its degree. It is perhaps not a surprise that photography developed as a technological medium in the industrial age, when reality started to disappear. It is even perhaps the disappearance of reality that triggered this technical form. Reality found a way to mutate into an image. This puts into question our simplistic explanations about the birth of technology and the advent of the modern world. It is perhaps not technologies and media which have caused our now famous disappearance of reality. On the contrary, it is probable that all our technologies (fatal offsprings that they are) arise from the gradual extinction of reality.

## Copy-It-Right

There are many statutory limitations on the exclusive rights of copyright owners in the Canadian Copyright Act, including the *fair dealings* exemption which is the most important for artists dealing with found images. Fair dealings is a defence against copyright infringement and it is deliberately ambiguous. While there are many conditions that need to be met in order to meet the fair dealings requirement, in practice, courts primarily ask if the use is *transformative*. In the case of “One Year Project,” I have literally transformed these photographs into a calendar year.

As I do not own any of the individual images in “One Year Project,” I have no intent to sell them individually. The commission provided me the financial freedom to take time away from my day job in order to dig for these images and to construct this artwork. This project is a labour of love and no reasonable person would pursue doing this as a commercial endeavour.

In any case, all of the images were obtained from users on Flickr who have chosen to offer their work under a Creative Commons license with no monetary restrictions. In other words, the user has allowed others to copy, distribute and display their copyrighted work, provided attribution is given.

## Illegal Art

In 1998, the Supreme Court of Canada ruled that conflict between the rights to privacy and the rights of expression under the Quebec Charter of Human Rights and Freedoms can only be resolved in the context of individual cases. In other words, an artist's right to publish their work is not absolute. The court held that under Quebec law a photographer is allowed to take photographs in a public, but that they may not publish the picture unless permission is granted from the subject.

This ruling was sparked by Gilbert Duclos, a photographer for *Les Éditions Vice-Versa*. In 1987, Duclos took a candid photograph of Pascale Claude Aubry on the streets of Montreal and the photo made it to the cover of an issue of *Vice-Versa* which also contained essays about life in Vancouver and Montreal. Aubry claimed that some of her classmates laughed at her when they saw the photo, which led to her initiate a lawsuit against the magazine and the photographer. Both Duclos and Aubry agreed the photograph was taken in public and without her consent. Moreover, it was assumed that the photograph wasn't taken in bad faith, that is, it wasn't Duclos' intent to cause Aubry to be ridiculed.

To this day Duclos still denounces the courts decision and encourages people to violate this law since it goes against

artistic expression. He argues:

The whole story of street photography is based on images taken on the street without permission. The most beautiful photos are taken on the street just like that. When you ask permission, it's no longer natural. I feel that if the photo is degrading, then I can understand people objecting, but if it's somebody walking on the street eating an ice cream on a hot day or something, then it's not defamatory, there's nothing wrong with it.

I have always wondered what lawyers think about when viewing works of art. For instance, when they view the photographs of Henri Cartier-Bresson, Vivian Maier or Weegee, do they think to themselves: "I wonder if the subject of this photo signed a consent form?"

Although this court ruling might seem draconian to the street photographer (or to a found photo artist such as myself), a breach of privacy is not necessarily enough to pursue legal action. A plaintiff in Quebec will not only need to show a breach of privacy, but will also have to establish precisely how that breach caused physical, moral or material loss before receiving any amount of compensation at all. For Aubry, it was enough that her classmates laughed at her.

On April 23, 2012, Paul Lepage demanded \$4,999,999.99 in compensation claiming he could be seen and identified in an outdoor photo published in *Le Plateau* magazine. Judge



Armando Aznar rejected the suit claiming that Lepage wasn't the main feature of the picture. Similarly, I would make the argument that none of the individual images displayed in "One Year Project" are intended as the main feature of the artwork. That is, the artwork is the sum of the parts where each of the parts is easily replaceable with the nearly endless supply of timestamped images produced on that day.

At this point in time, Quebec is the only place in North America where photographers are required to get permission from the subjects of their photographs in order to present them to the public, although this has not yet been challenged elsewhere in Canada. In the United States of America, freedom of expression prevails as long as the information is not purely commercial. For instance, Philip-Lorca diCorcia took a picture of Erno Nussenzweig walking in Times Square. The photograph was exhibited in a gallery and ten limited edition prints were sold for \$20,000–\$30,000 each. In addition, the photo was also published in a book. The New York Supreme Court dismissed the case, ruling what diCorcia had done with the photographs was not commercial and protected by the First Amendment, regardless of how much money was made.

## Online comments and debate surrounding some of the images in “One Year Project”

**Alison Jasonides** Nice shot!

**Genna McWhinnie** yikes! forgot about that!  
**gtvone** WHO is that....!

**Dan Macy** Hi, I'm an admin for a group called *Artifacts and Holdovers*, and we'd love to have this added to the group!

**Aaron Scarlett** too bad the date is on the image, very nice!

**Eileena Lee** i like how the “now” / “moment” was captured.

**Finn Frode** What a line-up ♥ - and a wonderful series from 10 years ago. :)  
**Mary Warren** All eyes on the feeder; fun shot; thanks for visit and a trio of Faves!

**Jim** Hot look!  
**denimclothing** yes but there are a lot of people who have a tan line fetish!

**Matthew Bunker** Is this Pompei?  
**Becka Spence** yes it is

**attractive shelf** :-)  
**Cherry Mocha** i always love these kind of pics, interesting

**tomcatdc13** Thats a sweet Browning 50 Cal.

**ppm1977** Your hot baby stay safe.

**Ilda Ladeira** awesome ears!

## **Privacy on the World Wide Web**

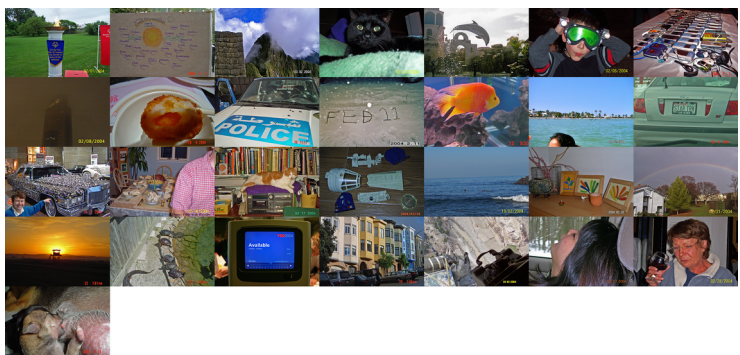
It should be obvious that whenever anyone accepts the terms and conditions of any social media network they are signing over many of their rights and privileges concerning their data. The images in “One Year Project” are publicly viewable on Flickr with the majority uploaded in 2004 and remaining there, possibly forgotten by the original uploader, since that time. When they were originally uploaded, I imagine the user obtained the proper consents necessary in order to upload the image, especially after carefully reading Flickr's terms of services.

A website on the World Wide Web is not an IRL art gallery; however, it seems fairly obvious that an image on the Internet has a much larger potential viewership. After all, these images can be viewed from anywhere with an Internet connection and at any hour of the day, not just during gallery hours and for the duration of the show. There is another major difference between looking at these images at the gallery and online: if you check them out at the gallery then the National Security Agency might not have a record of it, unless of course, you happen to have an iPhone in your pocket.

The following images show the months from “One Year Project.”



*January 2004*



*February 2004*

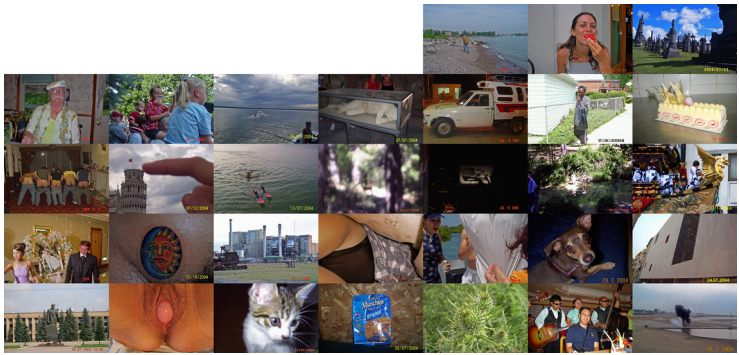


*March 2004*

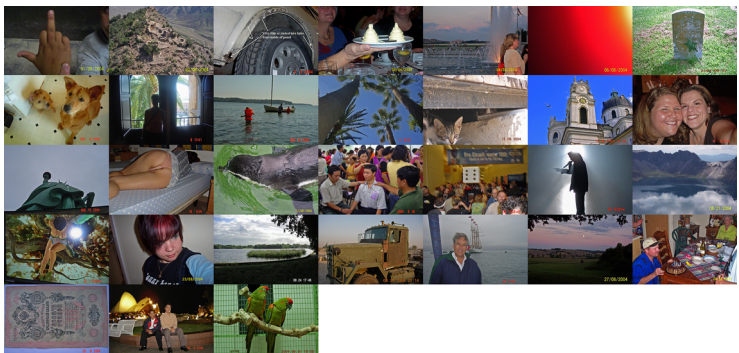


*April 2004*



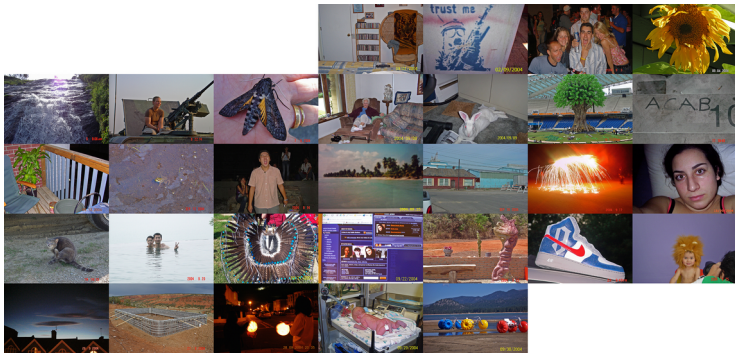


*July 2004*



*August 2004*



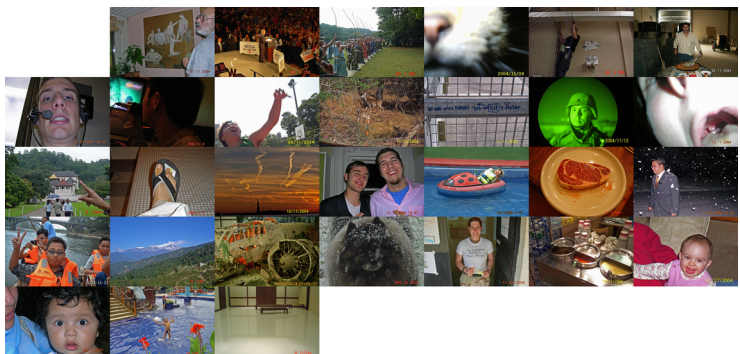


*September 2004*



*October 2004*





*November 2004*



*December 2004*

## A Question of Reality

I must confess, while writing this short artist book, I have felt like an artist/cultural theorist masquerading as a lawyer. I have no idea how any of this would actually play out in a court of law, nor do I imagine this work leading me to the Supreme Court of Canada anytime in the near future. I usually don't make art with its legal implications in mind. I have always freely pursued ideas, artistic impulses and obsessions, and dealt with the consequences after the fact.

Is it not shocking that corporations seemingly have more rights to work with and harvest our collective images and data than artists? Maybe not. After all, neoliberalism reigns supreme and in a capitalist society a profitable project is always considered more valuable than those made to satisfy an artistic or intellectual curiosity. When a business puts up a poster it is called advertising; when an individual does the same it is called vandalism.

Returning to the actual photographs in "One Year Project," I ask myself why I am drawn to these types of images. Like Barry Mauer who wrote about his obsessions with found photography in "The Found Photograph and the Limits of Meaning," I am not immune to stereotyping and voyeurism when looking at these types of images. However, like Mauer, I also want to discover "the point at which these responses

break down and a different reading takes over, an interrogative reading that opens my own perceptual apparatus to difficult questions.” Mauer sees himself as a detective and uses a methodology similar to Barthes to search for the “third meaning.” To me, the images in this collection offer different ways of understanding photography, and the worlds that photography have made possible.

When scrolling through my social media feeds, I am rarely confronted by an image that forces me to question its very existence; by contrast, nearly every image in the Internet Vernacular collection makes me ask: Why does this image exist? Why did someone choose to document this moment? Was this image intended to be beautiful or what other function was it intended to serve? Who is the person behind the camera? What lies outside of the frame? Why have they chosen to share this particular image with the entire world?